

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

GARY MONTGOMERY,

Plaintiff,

v.

PHILIP E. SMITH, ET AL.,

Defendants.

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Civil No. 3:23-cv-00275

Judge Trauger

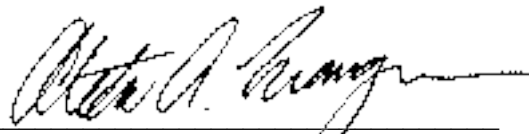
ORDER

On August 19, 2024, the Magistrate Judge issued a Report and Recommendation (Doc No. 75), to which no timely objections have been filed. The Report and Recommendation is therefore ACCEPTED and made the findings of fact and conclusions of law of this court. For the reasons expressed therein, the following are hereby ORDERED:

1. The Motion to Dismiss filed by defendants Rogers, Birthright Title, Property Title Services, Exit Real Estate Solutions, and Schneider (Doc. No. 27) and the Motion to Dismiss filed by defendants Regal Realty Group and Hertle (Doc. No. 35) are both GRANTED for lack of subject matter jurisdiction under *Rooker-Feldman*.
2. The Motion to Dismiss filed by defendant Smith (Doc. No. 43) is GRANTED for lack of subject matter jurisdiction under *Rooker-Feldman* and because any independent claims are barred by judicial immunity or sovereign immunity.
3. Defendant Stover's Motion to Dismiss (Doc. No. 47) is GRANTED as to the plaintiffs' legal malpractice claim, and the court declines to exercise supplemental jurisdiction over his conversion claim and hereby DISMISSES that claim without prejudice to refiling in state court.

This case is returned to the Magistrate Judge for further handling under the original referral order.

It is so **ORDERED**.



ALETA A. TRAUGER
U.S. District Judge